

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA

DOCKET NO. 2002-240-S - ORDER NO. 2002-617 *VJR*

AUGUST 29, 2002

IN RE:	Application of Scenic Lake Park for Approval	)	ORDER GRANTING
	of Transfer of Ownership of the Lagoon	)	WAIVER OF HEARING
	Located at Scenic Heights Subdivision from	)	AND APPROVING
	SB & CS, Inc. to Scenic Lake Park.	)	TRANSFER OF SEWER
		)	SYSTEM

This matter comes before the Public Service Commission of South Carolina ("Commission") by way of the Application of Scenic Lake Park ("Scenic Lake" or "Company") requesting approval of the sale and transfer of SB & CS, Inc.'s ("SBCS") lagoon and sewer system at Scenic Heights Subdivision located in Sumter County, South Carolina, ("the Sewer System") to Scenic Lake. Scenic Lake filed its Application with the Commission on June 19, 2002.

By its Application, Scenic Lake seeks the Commission's approval for the sale and transfer of the Sewer System owned by SBCS, including the Scenic Heights Subdivision (Scenic Heights Mobile Home Park) with extra acreage, totaling 54 acres more or less, to Scenic Lake which will enable Scenic Lake to operate the Sewer System and provide sewer service to the customers of Scenic Heights Subdivision. Scenic Lake states that the Company and SBCS have executed a Deed for the sale and transfer of the Sewer System, by which Scenic Lake will acquire SBCS's Sewer System. A copy of the Deed is attached to the Company's Application along with a copy of the plat delineating the

subject property of the sale and transfer. Further, Scenic Lake states that it will charge the Commission's currently approved rates for SBCS which is \$20.00 per month flat rate. Establishment of rates and service area for SBSC was established by Order No. 94-1006, dated September 30, 1994, in Docket No. 94-327-S.

By letter of August 2, 2002, Scenic Lake requests that the hearing provisions of 26 S.C. Code Ann. Regs. 103-704 (Supp. 2001) be waived. In support of the Company's request for a waiver, a petition signed by all customers of Scenic Heights Subdivision, consisting of thirty (30) customers, approving the transfer of ownership of the Sewer System from SBCS to Scenic Lake is attached. Additionally, Scenic Lake states that there is no other utility available which can accept sewage from the subdivision.

26 S.C. Code Regs. 103-504 (Supp. 2001) provides that "no existing public utility supplying sewerage disposal to the public ... shall hereafter sell, acquire, transfer, begin the construction or operation of any utility system, or any extension thereof, ... without first obtaining from the Commission a certificate that the sale, transfer, or acquisition is in the public interest, or that public convenience and necessity require or will require construction or operation of any utility system, or extension." Although 26 S.C. Code Regs. 103-504 (Supp. 2001) also provides for notice and due hearing, 26 S.C. Code Regs. 103-501(3) (1976) provides that "in any case where compliance with any of these rules and regulations introduces unusual difficulty, such rules or regulations may be waived by the Commission upon a finding by the Commission that such waiver is in the public interest." This Commission notes that it has previously considered applications in the context of its weekly agenda session when the applications have no other parties involved

and the application is not contested. We are always interested in consumers receiving the best quality of service available. We find that the transfer of ownership of the Sewer System from SBCS to Scenic Lake is beneficial to the customers of Scenic Heights Subdivision by the facts that no other utility is available to provide sewer service to the subdivision and all customers approve the transfer of the Sewer System to Scenic Lake. A hearing would unnecessarily delay the approval of the transfer of the Sewer System. The Commission finds that a waiver of the hearing requirement in the instant matter is in the public interest.

On Wednesday, August 28, 2002, the Commission in its regularly scheduled agenda session, with court reporter present, discussed and considered Scenic Lake's Application and the documents submitted by Scenic Lake in support of the Application. We would note that in accordance with the provisions of S.C. Code Ann. §58-5-520, Scenic Lake has filed the Company's required Performance Bond. We note further that the Company has received approval for the requested transfer of ownership from the South Carolina Department of Health and Environmental Control by Permit #SC0031895. Based upon the Commission's consideration of the Application, the Commission concludes that the requested sale and transfer should be approved.

IT IS THEREFORE ORDERED THAT:

1. The Application of Scenic Lake Park requesting approval of the sale and transfer of SB & CS, Inc.'s lagoon and sewer system at Scenic Heights Subdivision located in Sumter County, South Carolina, to Scenic Lake Park is approved.

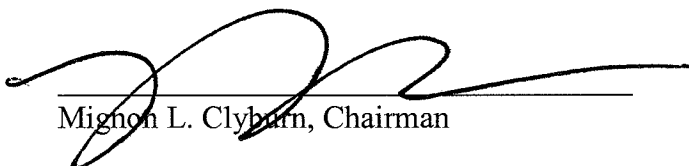
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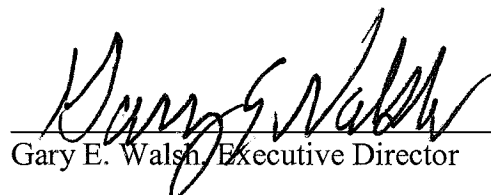
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2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Mignon L. Clyburn, Chairman

ATTEST:

  
Gary E. Walsh, Executive Director

(SEAL)